

PROB 12A
(7/93)

United States District Court
for
District of New Jersey
Report on Offender Under Supervision

Name of Offender: Dewayne Simmons

Cr.: 2:03CR768-1
PACTS #: 37712

Name of Sentencing Judicial Officer: Honorable Stanley R. Chesler

Date of Original Sentence: 2/17/05

Date of Violation of Supervised Release: 04/30/12

Original Offense: Possession of a Firearm by a Convicted Felon in violation of Title 18 U.S.C. § 922(g)(1)&2
Violation of Supervised Release: Pled Guilty to Violation #3, "Report to the Probation Officer as Directed"

Original Sentence: 37 months imprisonment

Revocation Hearing: TSR revoked. 45 days imprisonment

Type of Supervision: TSR

Date 1st Term of Supervision Commenced: 5/3/11

Date 2nd Term of Supervision Commenced: 6/12/12

NONCOMPLIANCE SUMMARY

The offender has not complied with the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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| 1 | On or about October 3, 2012, an argument ensued between the offender and his mother, Brenda Muslim, at their residence located at 206 West Hanover Street, Apt. 1, Trenton, New Jersey. The argument involved the offender's wife, Selena Simmons. On October 3, 2012, the offender's mother, Brenda Muslim, responded to the Trenton Police Department and filed a complaint against the offender. According to Complaint-Summons Number S 2012 004367, the offender is charged with simple assault in violation of New Jersey Statute 2C:12-1A; theft by unlawful taking in violation of New Jersey Statute 2C:20-3A and harassment in violation of New Jersey Statute 2C:33-4B. Simmons was not formally arrested and is scheduled to appear in Trenton Municipal Court on October 25, 2012 at 8:45 a.m. On October 5, 2012, Simmons notified the undersigned of the above incident and provided the undersigned with a copy of the complaint and a new apartment lease, dated September 1, 2012, naming the offender and his wife, Selena Simmons, as the renters of 206 West Hanover Street, Apt. 1, Trenton. According to the offender, his mother (victim) was causing problems between him and his wife and he asked her to vacate the residence. On October 3, 2012, Ms. Muslim moved to a new residence in Trenton. |
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U.S. Probation Officer Action:

On June 12, 2012, following completion of a forty-five (45) day sentence as imposed by Your Honor at his violation of supervised release hearing on April 30, 2012, Simmons was released from FDC Philadelphia. As approved by the U.S. Probation Office, Simmons relocated to Trenton, New Jersey, to reside with his mother, Brenda Muslim, at her residence located at 206 West Hanover Street, Apt. 1, in Trenton. On July 11, 2012, the offender was referred to New Horizon Treatment Services and instructed to attend a twelve-week (12) Anger Management Program every Monday evening as ordered by the Court on April 30, 2012. As of this writing, the offender has attended eight (8) anger management sessions and missed two (2) sessions for personal reasons. On August 14, 2012, the offender underwent a psychiatric evaluation performed by Dr. Siddiqui at New Horizon Treatment Services in Trenton. Dr. Siddiqui diagnosed Simmons with Axis I Bipolar I Disorder MRE Depressed with Psychotic Features and anger issues. Dr. Siddiqui prescribed Simmons Sinequan, 50mg (to help him sleep); Depakote, 500 mg (for sleep); Risperdal, 1mg (for sleep) and Cogentin, .5mg (for sleep) various medications to the offender which Simmons reports taken as prescribed. During an office visit on October 2, 2012, the undersigned officer verbally reprimanded the offender for his continued failure to abide by the rules and regulations of his supervised release term. The undersigned again reviewed all standard and special conditions of his supervised release terms with Simmons and reinforced the importance of attending anger management counseling and refraining from committing any new local, state or federal offenses. On October 9, 2012, Simmons was referred to New Horizons for individual outpatient mental health therapy on a weekly basis. At this time, we request that no Court action be taken. The undersigned officer will closely monitor the offender and the pending criminal matter pending in Trenton Municipal Court. The Court will be notified should the offender fail to comply.

Respectfully submitted,

By: Elizabeth A. Villa

Senior U.S. Probation Officer

Date: 10/9/12

No Response is necessary unless the court directs that additional action be taken as follows:

- ☐ Submit a Request for Modifying the Conditions or Term of Supervision
☐ Submit a Request for Warrant or Summons
☐ Other

Signature of Judicial Officer

Date

10/17/2012

UNITED STATES DISTRICT COURT
PROBATION OFFICE
DISTRICT OF NEW JERSEY

WILFREDO TORRES
CHIEF PROBATION OFFICER

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October 9, 2012

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Honorable Stanley R. Chesler
Senior U.S. District Court Judge
Martin Luther King Jr. Federal Building & Courthouse
PO Box 0999
Newark, New Jersey 07102-0999

RE: SIMMONS, Dewayne
Docket No.: 2:03CR00768-001
REPORT OF NONCOMPLIANCE

Dear Judge Chesler:

On February 17, 2005, the above-named offender appeared before Your Honor for sentencing following his conviction for Possession of a Firearm by a Convicted Felon in violation of Title 18 U.S.C. § 922(g)(1)&(2), a Class C felony. Simmons was sentenced to thirty-seven (37) months imprisonment followed by a three (3) year term of supervised release. In addition to the standard conditions of his supervised release term, Simmons was ordered to comply with the following special conditions: refrain from the use of drugs and alcohol and submit to testing to ensure compliance, as well as, attend treatment and counseling as directed by the U.S. Probation Office; participate in mental health counseling/treatment as directed and DNA testing. The offender underwent DNA testing on August 11, 2010. Simmons was further ordered to pay a \$100 special assessment. On July 11, 2009, Simmons paid \$50 toward his \$100 fine and owes an outstanding balance of \$50.

Enclosed, please find the Probation Form 12A notifying Your Honor of the offender's recent noncompliance. At this time, we respectfully recommend that no action be taken by the Court. The undersigned officer will closely monitor the offender and the pending charges. Should Simmons be convicted of any criminal offense or fail to comply with the standard and special conditions of his supervised release terms, Your Honor will be notified in a timely fashion. Should Your Honor wish to discuss this matter in greater detail, please contact the undersigned at (973) 223-1353. Thank you.

Very truly yours,

WILFREDO TORRES, Chief
U.S. Probation Officer

By: Elizabeth A. Villa

Sr. U.S. Probation Officer


/enclosure